

Tennessee Department of Health  
Division of Emergency Medical Services  
State Regulatory Board Meeting  
March 24, 2004

APPROVED JUNE 23, 2004

Chairman Jack Cochran called the meeting of the Tennessee Emergency Medical Services' Board to order at 9:00 a.m. in the Cumberland Room of the Cordell Hull Building, located at 425 Fifth Avenue North, Nashville, Tennessee.

Chairman Cochran called the roll as follows:

Dr. Charles Alderson	present	Mark King	present
Dr. Donald Barker	present	Donald Mosby	present
Sid Cox	absent	Grady Scott	present
Susan Earl	absent	Dr. Steve White	present
Darren Ellenburg	present	Ken Wilkerson	present
Larry Griffin	present	Chairman Cochran	present
Steve Jones	present		

Chairman Cochran welcomed everyone, with a special recognition to the many students which were present.

### **TENNESSEE PROFESSIONAL ASSISTANCE PROGRAM**

Dr. Leanne Busby, State Director of the Tennessee Professional Assistance Program, distributed a packet to the board members concerning the TNPAP recovery, monitoring and advocacy programs. She emphasized the many Tennessee State Board they now, or have in the past, work with. She explained the process of referral and treatment, and continuation of monitoring. Dr. Busby also spoke to the funding of the program. Other items of discussion were insurance, aftercare, random urine drug screens, bi-monthly progress reports, and conducting a pilot project.

A suggestion was made by EMS Director, Joe Phillips, for a small study group to meet with Dr. Busby concerning a pilot program. Advisory counsel, Ernie Sykes, recommended once that is brought back to the Board, a notice of rulemaking hearing be prepared if amendments are needed concerning changes to the disciplinary avenues or any allocation of licensing fees.

Grady Scott moved for the Board to appoint a committee of three (or so) to look at this and meet and maybe before, our next meeting bring something back to us; seconded by Ken Wilkerson. By a vote voice, the motion passed. No one was opposed. Chairman Cochran informed the Board he would make the committee appointments later in the meeting.

## **PROPOSED AMENDMENT:**

### **RULE 1200-12-1-.07 INSURANCE COVERAGE**

Richard Land distributed the amendments to the rule, as well as the current governmental Tort Liability Act, which was amended in the year 2000, and had escalator clauses, but is to be reviewed again in 2007. To keep agreement between the statute and the governmental ambulance services with the regulations, making a reference to the particular statutory cite that no ambulance service would have insurance at any amounts less than “that amount” is the best way without establishing monetary amounts at this time.

Services that are now under TennCare with BlueCross BlueShield are required, due to contractual law, to have one million, three million umbrella policy (1,000,000/3,000,000). Tennessee regulations do have to coincide and recognize the tort liability activities.

General liability which is essentially negligence on the premises would be set at no less than 3,000,000 per occurrence. This is triple the 1,000,000 amount in the current rule.

With regard to professional liability, the amount will increase from the current amount of 1,000,000 to 3,000,000.

Steve Jones moved to send the proposed revisions of Rule 1200-12-1-.07 to a rulemaking hearing; seconded by Larry Griffin.

Under discussion, Ken Wilkerson asked about self-insured governmental entities and the verbiage of the changes. Mr. Land referred to Subparagraph C of Paragraph 4 for the self-insured services.

Chairman Cochran took a roll call vote.

Dr. Alderson	yes	Mark King	yes
Dr. Barker	yes	Donald Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Larry Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

### **MOTION PASSED**

## **CLINICAL ISSUES COMMITTEE**

Committee Chairman, Dr. Joe Holley, presented a copy the generic ACLS protocols. The committee have been working on making the protocols free of specific drug information to allow flexibility at the local level to streamline the drug redundancy on the units. The committee also met during the TASA conference in February at Gatlinburg. We were give updated information from representatives from WaisMed concerning the bone injection gun, which is FDA approved. The committee did approve the device, but not for ages 12 to 18 years of age.

Concerns were discussed about SARS and other respiratory based illnesses and transmissions of these diseases and adequate protection for the patient as well as the EMT/Paramedic.

There was extensive discussion concerning the critical care paramedic issue. Ms. Tidwell will report on the committee's comments.

The next meeting for the Clinical Issues committee is May 27.

### **TRAUMA CARE ADVISORY COUNCIL**

Dr. Donald Barker, chairman of the council, reported on the meeting held on the previous Thursday, in the Cordell Hull Building. The council is still working on the state trauma system plan. The regional communications centers will be the hubs of the trauma system plan.

The trauma registry is another key issue. Some grant money has been received to begin the process of hiring and training a trauma registrar. We have looked at the possibility of purchasing a state version of the national trauma registry (TRACS).

Also, at the meeting, information came forward concerning the protection of the patient's data under HIPAA. There will be further inquiries into this concern. Mr. Sykes will have some proposed legislation that is in place now for the brain injury database and the cancer registry; therefore, we have a precedent for protection of the trauma care database. Information gathered into the trauma care database will not be linked to a specific patient to cause any problem and the uses of the data will be approved by the Trauma Care Advisory Council.

The state chapter of the American Trauma Society needs to be revised. This is a national organization that is composed of primarily non-physicians and non-healthcare people that have insight into the system. They are interested and dedicated by either having been in the trauma system themselves, or having a family member in the system. There are also healthcare providers involved in the chapter.

The chapter provides needed information to the public regarding what a trauma system is, what a trauma center is, and how helpful it will be to the people in Tennessee. The American Trauma Society does not have a director in place, and that is a key person to find.

Mr. Phillips commented on the Tennessee Trauma Centers, which were regulated under the rules of the Division of Health Care Facilities. Trauma Centers are inspected on scene twice in a five (5) year designation cycle. A cycle was completed in January of this year. Mr. Phillips, a member of the inspection team, reported the centers are doing a good job and no significant problems were found, "Tennessee has an excellent system."

## **EDUCATION COMMITTEE**

Ms. Donna Tidwell reported the Education Committee had met on the previous day.

The paramedic skills competency manual project is on-going. The sub-committee has gathered their information and are beginning to assemble a document for a state paramedic competency skills manual for ambulance services and educators.

The sub-committee for the EMT-Paramedic renewal exam have received their assignment to complete a test bank of questions we can pull from for the paramedic renewal exam. This has not been updated since the curriculum was revised.

The Accreditation sub-committee has one (1) more section of the EMT area to review before they move into the paramedic area. The section deals with the approval of institutions and schools for providing initial education. Ms. Tidwell reminded the Board of a 1997 vote by the Board to pass a rule change that affected paramedic entrance requirements; however, the rule was never promulgated.

Ms. Tidwell asked for those changes to be incorporated into the accreditation recommendations and bring all of it forward to the Board for rulemaking. The change was the removal of the AAPP exam, opening the language to say an assessment exam as accepted by the community colleges or the institutions.

Darren Ellenburg moved to send the proposed regulations back to the Education Committee; seconded by Donald Mosby.

Chairman Cochran took a roll call vote.

Dr. Alderson	yes	Mark King	yes
Dr. Barker	yes	Donald Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Larry Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

## **MOTION PASSED**

Ms. Tidwell also reported the national registry sub-committee, as asked by the Board, had made inquiries to companies for potential test-writing. As of this date, there are no successful candidates. The Pearson Company, which at one time was very interested, have decided they are no longer interested in working with EMS.

The IC conference is scheduled for July 7<sup>th</sup> and 8<sup>th</sup> at the Maxwell House. The agenda is posted on their website. There will be both a provider and educator track this year.

The Education Committee voted unanimously yesterday to go on record with the EMS Board with the following statement: "The Education Committee supports the associate degree level of paramedic in order to enhance the level of prehospital care in the State of Tennessee."

Chairman Cochran asked Ms. Tidwell to continue with her staff report.

### **STAFF REPORT-RUN DATA**

Ms. Tidwell reported the national data set was complete and out on the NEMSIS website. The Tennessee subset and XML files, which vendors would need to create the export files, have been approved. The services have been notified both by mail and on the website. Everyone must be reporting either through the state website or in a format of the national uniform prehospital data set version 2.0, that the Board approved in their last meeting, by January 1, 2005. Testing should be starting about April 15.

We are acquiring our own Internet accessible server to house our data system which will be safe and secure. The data will come directly into our bureau and into our own server. This is an exception to the policy of Information Resources and a big accomplishment for our system's information center.

### **MILITARY PROGRAMS**

Ms. Tidwell explained to the Board the 91-Bravo Army program and the 91-Whiskey program, and how they would align with Tennessee's programs of training. She asked for the Board's approval to accept these two courses as courses that would meet Tennessee's training requirement for reciprocity for someone coming out of the military and trying to get licensed in the State of Tennessee.

Mark King moved to accept the two courses as courses that would meet Tennessee's training requirement for reciprocity for someone coming out of the military and trying to get licensed in the State of Tennessee; seconded by Darren Ellenburg. During discussion Ms. Tidwell was asked about other military organizations. The motion on the floor only addressed the Army's programs. As other programs came into the EMS office for review, Ms. Tidwell would bring those to the Board.

A roll call vote was taken.

Dr. Alderson	yes	Mark King	yes
Dr. Barker	yes	Donald Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Larry Griffin	yes	Dr. White	yes
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

**MOTION CARRIED**  
**TRANSPORT VENTILATOR TRAINING**

Ms. Tidwell explained that in 2000, the Board approved a curriculum for transport ventilator training for paramedics to be trained in transport ventilators, which was above and beyond the curriculum they went through.

Ms. Tidwell had three (3) educators to look at critical care paramedic programs currently taught at Roane State and Vanderbilt, with specific attention to the respiratory and ventilatory modules, to see if they are comparable to the 2000 Board approved curriculum for additional training for paramedics. All three educators stated the programs meets, and in some areas, exceeds the curriculum. They would recommend it be a comparable course. Ms. Tidwell, with that recommendation from the educators, asked the Board “to approved those modules in those two courses to be comparable with the ventilatory so that individuals who have completed the critical care course would be able to do transport ventilators on interfacility transports; they would also have met the CMS requirement of additional training to do those transports”. Motion to accept by Mark King; seconded by Grady Scott. After a lengthy discussion concerning these modules and critical care paramedic which seem to confuse several board members, Mark King explained the motion; thus, Ms. Tidwell re-worded the recommendation for the motion to a shorter version to read: “to approve the two modules from the critical care programs identified as acceptable and comparable to the already existing transport ventilator curriculum.” Mark King agreed with the restatement for the motion, as did the second, Grady Scott.

Chairman Cochran called for a roll call vote.

Dr. Alderson	yes	Mark King	yes
Dr. Barker	yes	Donald Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Larry Griffin	yes	Dr. White	yes
Steve Jones	no	Ken Wilkerson	no
Chairman Cochran	no		

**MOTION PASSED**

**CRITICAL CARE PARAMEDIC**

As requested by the Board, a critical care paramedic committee was selected to work on a scope of practice and curriculum. The committee considers of physicians, critical care nurses, educators, and representatives from the service director associations. The committee has met twice; at the first meeting, a rough draft of the scope of practice was assembled. Ms. Tidwell distributed this document to the board members. She asked them to review the document and to return their comments to her by May 15 for the next committee meeting.

The second meeting of the committee was held on March 16<sup>th</sup>. There were discussions on the approval of prerequisites for the class, recommendations of prerequisite, course approvals, and

state approval for institutions/facilities to hold/meet course/criteria, and identification of the modules.

The committee felt strongly that in order to take the critical care course, one must have an advanced cardiac life support course, advanced pediatric life support course, advanced trauma course, and a BLS course. Dr. Barker suggested they look into the Society of Critical Care Medicine. Ms. Tidwell said she would take that to the committee.

Chairman Cochran called for a break.

The board meeting was called back to order at 10:15. Chairman Cochran introduced the Administrative Law Judge Steve Darnell. Judge Darnell called the docket. Ms. Julie Pablo represented the State of Tennessee, and Mr. Mark Allen represented the respondent.

**IN THE MATTER OF:**

**DEWAYNE L. DECIL, EMT-P  
DOCKET NO. 17.34-050454A  
MEMPHIS, TENNESSEE**

Ms. Pablo distributed the notice of charges to the board members. The case was heard before the board. Upon the conclusion of proof, a motion was made by the respondent's attorney for dismissal of charges. The court granted the motion and the case was dismissed. There were no board deliberations.

Chairman Cochran called a lunch recess until 12:30 p.m.

The board meeting returned to contested cases. Administrative Law Judge Steve Darnell called the next case:

**IN THE MATTER OF:**

**LORI L. TANDY, EMT-P  
DOCKET NO. 17.34-042733A  
COLLIERVILLE, TENNESSEE**

Ms. Julie Pablo represented the State of Tennessee. Mr. Mark Allen represented Ms. Lori Tandy. Ms. Pablo distributed the Notice of Charges to the board members. Mr. Allen moved to dismiss the items underline in blue; Judge Darnell denied the motion. The evidence was heard by the board, and Judge Darnell gave the board their charge.

Chairman Cochran called for the motion on Allegation of Facts. Mark King moved to dismiss the case. The motion was seconded by Larry Griffin. A roll call vote was taken.

Dr. Alderson	yes	Mark King	yes
Dr. Barker	yes	Donald Mosby	yes
Darren Ellenburg	yes	Grady Scott	yes
Larry Griffin	yes	Dr. White	absent
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

## **MOTION TO DISMISS THE CASE PASSED**

Judge Darnell asked Ms. Pablo to draw the order reflecting the Board's action, and thanked counsel for an excellent job and their professionalism.

Chairman Cochran asked for "hands" who could attend the second day of the board meeting, since several important issues still were on the agenda. It was decided not to adjourn and to continue. A break was called.

Chairman Cochran called the meeting back to order and proceeded to make the committee appointments to work with Dr. Busby of the Tennessee Professional Assistance Program and Joe Phillips. His appointments were: Steve Jones, Ken Wilkerson, and Darren Ellenburg.

**Steve Jones made a motion "to repeal any action that has been taken in reference to establishing a degree program for paramedics by the year 2006." Ken Wilkerson seconded the motion. During discussion, it was noted, this was basically a housekeeping issue, removing a clause that was in the rule previous; that said anyone making application to the paramedic program had to have an associate degree by 2006. Grady Scott called for question.**

Dr. Alderson	yes	Mark King	no
Dr. Barker	absent	Donald Mosby	yes
Darren Ellenburg	no	Grady Scott	yes
Larry Griffin	yes	Dr. White	absent
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

## **MOTION CARRIES**

Chairman Cochran read the rule the board passed in December, 2003, "EMERGENCY MEDICAL TECHNICIAN PARAMEDIC CRITICAL CARE:

A person who is licensed as a Tennessee Emergency Medical Technician Paramedic and holds, at a minimum, an associates degree from a regionally accredited college or university, effective January 1, 2008, the degree must be in a health related field, and has successfully completed a critical care paramedic course recognized by the Division of Emergency Medical Services for the Tennessee Department of Health for comparable training and education in another state and received endorsement from the training institution and who is licensed to practice advanced emergency medical care upon the order under supervision of the physician or authorized registered



nurse.” During a very lengthy discussion, Richard Land, after discussing rule procedures with my advisory attorney, the board could rescind the degree requirement, but other action that changes the formatting of these that rescinds the 2006 requirement under what was formerly (b) would require the whole set be reformulated and submitted back for rulemaking.

**Darren Ellenburg moved to let the December rule stand; second by Mark King. A roll call vote was taken.**

Dr. Alderson	no	Mark King	yes
Dr. Barker	absent	Donald Mosby	yes
Darren Ellenburg	yes	Grady Scott	no
Larry Griffin	no	Dr. White	absent
Steve Jones	no	Ken Wilkerson	no
Chairman Cochran	no		

**MOTION FAILED; SIX (6) NO, THREE (3) YES**

**Steve Jones made a motion to remove the degree requirement from the critical care paramedic licensure level; second by Grady Scott. The vote was:**

Dr. Alderson	yes	Mark King	no
Dr. Barker	absent	Donald Mosby	no
Darren Ellenburg	no	Grady Scott	yes
Larry Griffin	yes	Dr. White	absent
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

**MOTION PASSES; SIX (6) YES, THREE (3) NO**

## **STAFF REPORTS**

### **RURAL AED- RICHARD LAND**

The rural AED grant deadline for application is April 12. Mr. Land requested a letter of support from the board. A teleconference will be conducted on March 30<sup>th</sup> at 10:00 a.m. to address next year’s application. The first year 240 units were delivered, and additional funding was received for 260 more units. We hope to have the 260 place before August. Departmental grant authority was received for 2003-2004 fiscal year, and then we are looking at another 160 units for the third year. Data gathering and reporting needs to be implemented on the state level. The state run report program may be able to help provide the information.

### **RULE STATUS – RICHARD LAND**

A rulemaking hearing, scheduled for June 17th, are to include: an item added to the Ambulance Equipment Requirements; pulse oximeter with sensors for use with adult and pediatric patients.

- Provisions also have been proposed for the retirement of the EMS professional license.
- Renewal fees to include the renewal examination fee of \$100.00.
- A new reciprocity fee for reciprocity applications for \$100.00.
- To add combitube to the First Responder regulations.

**Steve Jones moved to proceed with the presented items to a rulemaking hearing; second by Ken Wilkerson**

Dr. Alderson	yes	Mark King	yes
Dr. Barker	absent	Donald Mosby	yes
Darren Ellenburg	absent	Grady Scott	yes
Larry Griffin	yes	Dr. White	absent
Steve Jones	yes	Ken Wilkerson	yes
Chairman Cochran	yes		

## **MOTION PASSED**

Without objection from the board members, Chairman Cochran approved the request for the letter of support for the AED project previously requested by Mr. Land.

## **LICENSING RENEWAL-RICHARD LAND**

All 2004 ambulance service licenses have been issued. Terrie is working on the 2004 vehicle permits now. There is committee approved legislation going forward to change the license expiration from December 31 to June 30, which will allow processing in non-holiday periods.

## **MONTHLY REDUCTION REPORT-JOE PHILLIPS**

The monthly report had been distributed to the board members. Mr. Phillips explained the reduction areas, the increases in the EMT-IV numbers, and the decrease in the EMT basic numbers.

The ambulance services numbers are about the same, with a 40-50 net increase in vehicles per year.

Complaints/investigations were lower than the previous year. This reduction could be due to administrative adjustments.

## **LEGISLATIVE UPDATE-JOE PHILLIPS**

The bill changing the ambulance service license renewal and vehicle permit renewal date from December 30 to June 30 passed the House today, and is now on the way to the Senate for vote.

If/when this passes, there will be a transition period from December 31, 2004 to June 30, 2005. The licenses that expire December 31, 2004 will be in effect until July 1, 2005.

With this additional time, we hope to have the new run reporting and permit system up and operating.

Chairman Cochran announced his appointment to the Education Committee, John Green, from the Heart Association. He also was asked to appoint a representative from each directors' association to the Education Committee. He is asking the associations to select that person.

### **OLD BUSINESS**

Ms. Finch asked the board members to be sure and sign their travel claims in blue ink.

Chairman Cochran asked for a motion on the June 2003, August 2003, September 2003 and December 2003 minutes, as presented in their packets. Larry Griffin moved to accept; second by Ken Wilkerson. By a voice vote, all present members voted yes. No one was opposed. Motion carried.

### **ANNOUNCEMENTS**

Next board meeting June 23 and 24.

The board meeting was adjourned at 6:40 p.m.

Respectfully submitted,

Terrie E. Finch  
Administrative Assistant  
Emergency Medical Services  
State Regulatory Board  
Tennessee Department of Health

TEF/G4174178/EMSmin